IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33585 of 2007(W)

PETITIONER:

PURUSHOTHAMAN PILLAI,
CLARAT BHAVAN, SHARGHALAYAM VEETTIL,
KURAVILANGADU MURI, KURAVILANGADU VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.R.REJI

RESPONDENTS:
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1. **THE SUPERINTENDENT OF POLICE,**
   KOTTAYAM.

2. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   PALA.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   ETTUMANOOR.

4. **THE SUB INSPECTOR OF POLICE,**
   KURAVILANGADU.

BY PUBLIC PROSECUTOR SRI. P. RAVEENDRA BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

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W.P.(C) No. 33585 of 2007

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Dated this the 15th day of November, 2007

JUDGMENT

The petitioner is the de facto complainant. On his complaint, the police had registered crime No.104/2004 of Kuravilangadu Police Station. Investigation was conducted and final report was filed. According to the petitioner, he came to know that the final report was filed by the Police, though belatedly. He found that no proper investigation had been conducted. Thereupon he went before the learned Magistrate with a petition under Section 173(8) Cr.P.C. That petition was allowed. The investigator was directed to take further steps.

2. Further investigation was conducted and further report was submitted by the investigator but he stuck to the earlier stand taken by him. Final report only shows that only offences punishable under Secs.143,147,427 and 451 read with 149 IPC had been committed. According to the petitioner, allegations must have been raised under Secs.458,342 and 379 IPC also. The initial investigation conducted as well as the further investigation conducted are not satisfactory, submits the

learned counsel for the petitioner.

3. I have perused the writ petition and its annexures. I find absolutely no justification in the prayer for invoking the extraordinary constitutional jurisdiction under Article 226/227. If the petitioner is aggrieved by the initial and further final report, it is certainly open to the petitioner to file a private complaint incorporating the allegations which according to him must have been raised. I find no reason to invoke the powers under article 226/227 and issue any further directions in the matter. Needless to say, alternately it shall be open to the petitioner on the basis of the evidence that may be adduced in the course of trial to contend that charges framed are liable to be altered and appropriate further charges must be framed. Taking note of the other opportunities and options available to the petitioner, this writ petition is dismissed.

(R.BASANT, JUDGE)

sj